

## REMARKS

Applicants respectfully request reconsideration of this application, and reconsideration of the Office Action of January 21, 2004 (Paper No. 6). Upon entry of this Amendment, claims 1, 3-10, and 12-17 will remain pending in this application. Claims 2, 11, and 18-27 are canceled and new claims 28-30 are added. The amendments to the claims, as well as the new claims, are fully supported by the specification and original claims. Hence, no new matter is incorporated by this Amendment.

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As an initial matter, Applicants note that an Information Disclosure Statement was filed on February 4, 2004 and crossed in the mail with Paper No. 6. Hence, the Information Disclosure Statement and cited documents were not considered by the Examiner by the time that Paper No. 6 was mailed. Applicants accordingly resubmit the I.D.S. with the appropriate fee and request that the Examiner return a signed and initialed copy of the PTO-1449 form with the next Office Action. Applicants also note that the cited documents were forwarded with the February 4, 2004 filing and thus are not resubmitted herewith.

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The drawings are objected to because Figures 19-22 are alleged to lack the designation --Prior Art--. In response, Applicants submit herewith a Letter With Proposed Drawings Corrections and an amended version of each of Figures 19-21. The amended versions of Figs. 19-21 each include the --Prior Art-- designation.

With respect to Figure 22, Figure 22 does not require a prior art label. Figure 22 is discussed on pages 39 and 40 of the specification as relating to embodiment 3 of the present invention. Hence, Figure 22 does not show only that which is known.

In view of the above, Applicants submit that this objection has been obviated and request that it be withdrawn.

\* \* \*

Claims 1-27 are rejected under 35 U.S.C. § 102(a) as purportedly anticipated by Kojima (U.S. Pat. Appln. No. 2001/0012435). The Office Action asserts that Kojima describes each feature of the claims. Applicants respectfully traverse.

Independent claim 1 concerns an audio visual recording apparatus. The claimed apparatus combines:

- 1) an AV file management means, which creates an AV file of arbitrary size through a command for creating an AV file and which stores data position information on the recording area that has been repeatedly overwritten on an AV file management table, and
- 2) a recording area recording means that performs repeated overwriting on the generated AV file.

With this arrangement, the present invention exhibits a peculiar or unexpected effect. For example, since relationships between data position on the recording area and data position on the AV file can be stored in view of repeatedly overwritten AV files, data positions on the recording area (which have been repeatedly overwritten and which are discontinuous in terms of time) can be managed as AV files with AV data positions that are continuous in terms of time.

Kojima does not teach or suggest any arrangement that corresponds to the AV file management means for creating and managing AV files and the recording area recording means of the present invention. Hence, the above-described effects of the present invention cannot be achieved. Specifically, in Kojima's arrangement, the user may not create a recording area for a repeatedly overwritten recording area which size may be arbitrarily set (as a single AV file.) Moreover, according to Kojima, since relationships between data position on the recording area and data position on the AV file cannot be stored in view of repeatedly overwritten AV files, data

positions on the recording area, which have been repeatedly overwritten and which are discontinuous in terms of time, cannot be managed by AV files with AV data positions that are continuous in terms of time.

Further, independent claim 12 likewise includes:

1) an AV file management means, which creates an AV file of arbitrary size through a command for creating an AV file and which stores data position information on the recording area that has been repeatedly overwritten on an AV file management table, and

2) a recording area recording means that performs repeated overwriting on the generated AV file.

Hence, for the same reasons given above with respect to claim 1, Kojima could not have taught or fairly suggested these features of claim 12.

Next, claims 7 through 13 would not have been obvious to those of ordinary skill in the art from Kojima. The same reasons given in connection with Claim 1 above also apply to claims 7-13.

Next, the Office Action asserts, with respect to claim 5, that Kojima discloses a recording area recording means that performs recording of video and/or audio data by repeated overwriting in the recording area corresponding to the AV file on the basis of the AV file management table (Col. 1, lines 4-15). On the contrary, while Kojima discloses an arrangement of selecting a part of AV data that are repeatedly recorded on an AV data recording area on the hard disk and of separately recording it as an AV file, Kojima does not disclose structure for managing the AV data recording area, that is repeatedly overwritten, as an AV file.

The present invention exhibits the peculiar advantageous effect that because repeated recording is performed on an AV data recording area that is managed as an AV file, the area allotted for repeated recording is managed as an individual AV file. The user can thus easily manage the repeatedly overwritten recording area.

The Office Action further asserts, with respect to claim 3, that Kojima discloses an additional recording command that performs an additional recording operation on an AV file, and that performs recording of video and/or audio data in a recording area different from the repeatedly overwritten area (Col. 1, lines 51-57). Applicants agree that Kojima discloses an arrangement for selecting a part of AV data that are repeatedly recorded on an AV data recording area on the hard disk and for recording it on a different recording area as an AV file. However, as stated above, Kojima does not disclose an arrangement that manages the repeatedly overwritten recording area as an AV file, and that manages AV data that have been recorded on a different recording area as an AV file that is different from the AV data that are recorded upon repeated overwriting.

The present invention exhibits the unexpected or peculiar effect that by adding AV data to an AV file that is repeatedly recorded, repeatedly recorded AV data and additionally recorded AV data are managed as a single AV file. Thus, the user can easily manage the AV data.

Next, the Office Action further asserts, with respect to claims 4 and 6, that Kojima discloses an AV file maximum size setting means that sets a maximum size in the AV file management table (Col. 2, lines 54-61, Col. 1, lines 9-14). However, while Applicants understand Kojima as disclosing an arrangement of setting a "size" of the AV file in the AV file management table, they do not understand Kojima to disclose an arrangement for setting the "maximum size." As recited in claim 4, the present invention is characterized by the "AV file management means for managing said AV file on the basis of at least the AV file maximum size within said AV file management table ." With this arrangement, when recording is performed in a particular recording mode (such as repeated overwriting recording) the user may set the maximum size, and within the set maximum size, the area is allotted as a single AV file with the size of the file being variable in correspondence with the amount of actually recorded data; the allotted area is managed in units of AV files. With this arrangement, the user may flexibly use the recording area in accordance with prerecording or other purposes, and management of the areas allotted for repeated

recording as individual AV files is made possible. Thus, the unexpected, superior result of simplifying management of repeatedly recorded areas to users may be achieved. This is because the present invention is arranged such that the size of the AV file is not a set maximum size but may be a size that is not more than the maximum size and a size of an area onto which data are actually recorded. In other words, because no unrecorded area is included in the AV file, it is possible to exhibit the advantageous result of effectively utilizing the recording area of the recording medium.

Next, the Office Action asserts, with respect to claims 8 and 10, that Kojima discloses reproduction of a certain amount of alternate data in the presence of an unrecorded area that is an area in which video and/or audio data have not been recorded (Col. 1, lines 1-13, Col. 1, lines 7-24). However, while Kojima discloses an arrangement in which a part of AV data that are repeatedly recorded on an AV data recording area on a hard disk is reproduced for audiovisual display to the user, Kojima does not disclose an arrangement for reproducing a certain amount of alternate data in the presence of an unrecorded area. Further, while Kojima discloses an arrangement of setting the "size" of the AV file in the AV file management table, Kojima does not disclose setting the "maximum size".

Finally, the Office Action asserts, with respect to claim 9, that Kojima discloses stopping reproduction of video and/or audio data from the recording area in the presence of an unrecorded area that is an area in which video and/or audio has not been recorded (SP10 in Fig. 6). Kojima discloses a process sequence in which it is judged in SP3 whether endless recording is performed and in which processes are terminated in SP10 when no endless recording is performed. However, it is the criterion in SP3 of Kojima that "whether endless recording is performed or not" and not "whether an unrecorded area is present or not."

The above remarks overcome the stated rejection over Kojima. Hence, reconsideration and withdrawal of the rejection are respectfully requested.

\* \* \* \* \*

Applicants respectfully submit that this Amendment and the above remarks obviate the outstanding objections and rejections in this case, thereby placing the application in condition for immediate allowance. Allowance of this application is earnestly solicited.

If any additional fees under 37 C.F.R. §§ 1.16 or 1.17 are due in connection with this filing, please charge the fees to Deposit Account No. 02-4300; Order No. 033216.052.

If an extension of time under 37 C.F.R. § 1.136 is necessary that is not accounted for in the papers filed herewith, such an extension is requested. The extension fee should be charged to Deposit Account No. 02-4300; Order No. 033216.052.

Respectfully submitted,  
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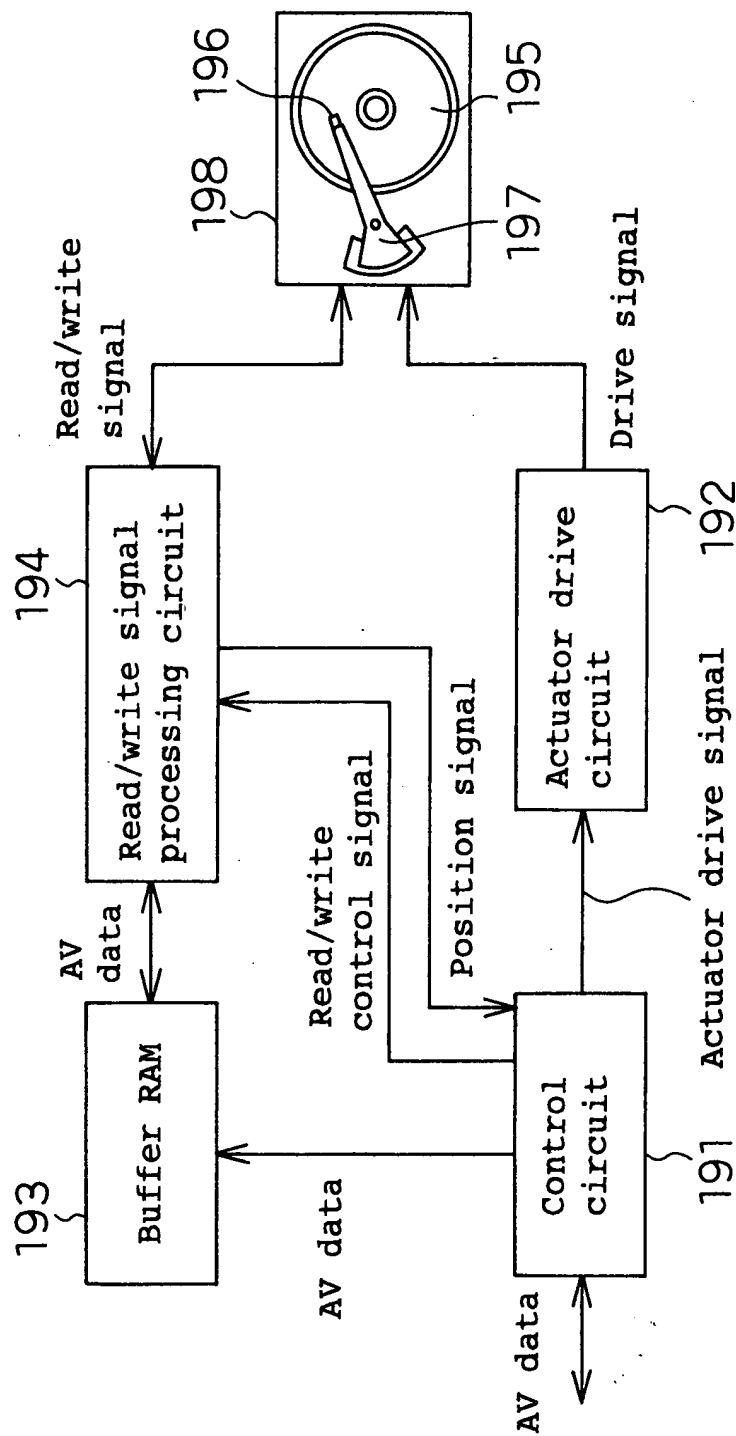
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Fig. 19 Prior Art



190: Audio visual data recording and playback apparatus

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Fig. 20 Prior Art

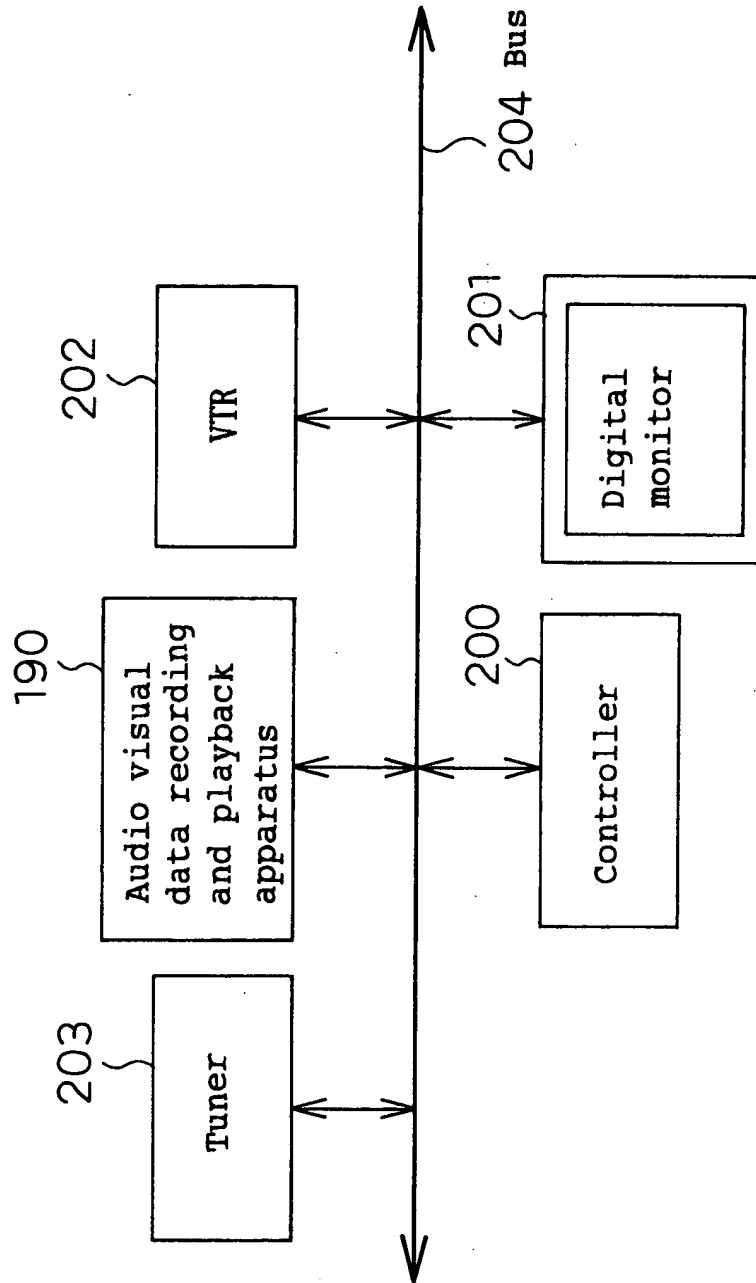






Fig. 21 Prior Art

